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IT IS SO ORDERED.

Dated: December 13, 2010




Jeffery P. Hopkins
United States Bankruptcy Judge

BK1011845
MNL

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
AT CINCINNATI

IN RE:

James J Rudy, Jr

Debtor

Case No. 09-14450

Chapter 13
Judge Hopkins

**AGREED ORDER ON MOTION FOR
RELIEF FROM STAY OF U.S. BANK,
N.A. SUCCESSOR BY MERGER TO THE
LEADER MORTGAGE COMPANY, LLC
SUCCESSOR BY MERGER TO THE
LEADER MORTGAGE COMPANY BY
AND THROUGH U.S. BANK HOME
MORTGAGE ITS SERVICER, FILED
HEREIN ON NOVEMBER 10, 2010 DOC. #
46 (PROPERTY ADDRESS: 4525 NEW
MARKET COURT, BATAVIA, OH 45103)**

This matter having come on before the Court upon the Motion For Relief From Stay filed herein on November 10, 2010 Pacer Document #46 by the secured Movant, U.S. Bank, N.A. successor by merger to The Leader Mortgage Company, LLC successor by merger to The Leader Mortgage Company by and through U.S.

Bank Home Mortgage its servicer (hereinafter "Movant") and upon debtor's response thereto filed herein on November 29, 2010 as Pacer Document #49; and a hearing having been scheduled for December 6, 2010; and it appearing to the Court that the parties have agreed to a course of action which will permit the continuation of the automatic stay conditioned upon certain provisions incorporated herein for the protection of Movant; and the Court, being otherwise fully advised in the premises, hereby makes the following findings of fact and issues the following Order with respect thereto:

1. The Chapter 13 Plan filed herein on behalf of the debtor provided that said debtor was to make the regular monthly mortgage payments to Movant outside of the Plan in a regular monthly fashion.

2. In breach of the terms of said Plan, the debtor failed to make certain of the regular monthly mortgage payments to Movant, incurring a total post-petition arrearage of \$4,551.83 as of December 31, 2010, which amount consists of:

Post Petition Payments:

Amount	Date Due
601.04	July 1, 2010
601.04	August 1, 2010
601.04	September 1, 2010
666.07	October 1, 2010
666.07	November 1, 2010
666.07	December 1, 2010

Post Petition Late Charges:

Amount	Date Due
24.04	July 16, 2010
24.04	August 16, 2010
24.04	September 16, 2010
26.64	October 16, 2010
26.04	November 16, 2010
26.04	December 16, 2010

and \$500.00 for attorney fees associated with the Motion and \$150.00 court costs incurred herein for filing the Motion, less \$50.34 in debtor's suspense account.

3. In order to cure said post-petition arrearage, Movant is permitted to file a Supplemental Proof of Claim in the amount of \$4,551.83, which consists of \$500.00 for attorney fees associated with the Motion and \$150.00 for court costs incurred herein for filing the Motion and said post petition arrears of \$3,901.83 thereby reducing the arrearage to \$0.00.

4. The Debtor has filed a Amended Modification of the Plan on December 8, 2010 as Pacer Document #54 in order to keep the Plan in compliance with 11 U.S.C. Section 1322(d).

5. Movant has filed a Supplemental Proof of Claim in the amount of \$4,551.83 as Pacer Claim #23.

6. The debtor agrees to recommence his regular monthly mortgage payments on a conduit basis through the Trustee's office beginning with the payment that shall be due January 2011.

7. In the event that the said debtor should fail to make the payment hereinabove described on or before their specified due dates, or should fail to pay any future monthly payment within 15 of its due date, or should fail to make each and every described monthly payment hereafter in full to the Trustee beginning with the payment due /, by the last day of the month in which it is due, then, or in any one of those events, Movant shall send a letter or e-mail to debtor and debtor's counsel advising of said default. If the default is not cured within ten (10) days, Movant shall file with the Court an Affidavit certifying that the debtors are in default under the terms of the Agreed Order and tender a proposed Order Granting Final Modification of the Automatic Stay. Upon submission of such Affidavit and Order Granting Final Modification of the Automatic Stay, the Court shall enter the Order, without a hearing, providing Movant, its successors and/or assigns is granted relief from the automatic stay imposed by Section 362 of the Bankruptcy Code. The only ground for objection to such an Order shall be that payments were timely made.

IT IS SO ORDERED.

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